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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

FEDERAL TRADE COMMISSION, STATE
OF ARIZONA, STATE OF CALIFORNIA,
DISTRICT OF COLUMBIA, STATE OF
ILLINOIS, STATE OF MARYLAND, STATE
OF NEVADA, STATE OF NEW MEXICO,
STATE OF OREGON, and STATE OF
WYOMING,

Plaintiffs,

v.

THE KROGER COMPANY and
ALBERTSONS COMPANIES, INC.,

Defendants.

Case No.: 3:24-cv-00347-AN

**DEFENDANTS' UNOPPOSED MOTION
FOR LEAVE TO FILE AN
OVERLENGTH BRIEF**

CERTIFICATION OF CONFERRAL

In compliance with LR 7-1, counsel for Defendants conferred with Plaintiffs' counsel regarding the issues in this motion. As stated in Plaintiff States' Unopposed Motion for Leave to File an Overlength Brief *Nunc Pro Tunc*, "Plaintiff States also agree to a similar page-length extension for the Defendants' opposition brief." ECF No. 565 at 2.

MOTION

On March 5, 2025, the states of Arizona, California, Illinois, Maryland, Nevada, New Mexico, Oregon, Wyoming and the District of Columbia, (collectively, the "Plaintiff States") filed a 23-page motion arguing their legal entitlement to an award of attorneys' fees and costs. ECF No. 563. The next day, the Plaintiff States filed an Unopposed Motion for Leave to File an Overlength Brief *Nunc Pro Tunc*, explaining that Plaintiff States had "filed a 23-page brief on their entitlement to attorney's fees on the erroneous belief that the 35-page limit on non-discovery motions in Local Rule 7-2 applied. However, Local Rule 54(e) limits motions for attorney's fees to 10 pages." ECF No. 565 at 2.

This Court granted Plaintiff States' motion to file an overlength brief *nunc pro tunc* on March 10, 2025. *See* ECF No. 566. Defendants now respectfully request that this Court provide Defendants with the same opportunity. The additional pages are necessary to respond to the extended argument in the Plaintiff States' Motion.

For these reasons, the Defendants respectfully request that the Court permit the Defendants' filing of a 23-page opposition to Plaintiff States' 23-page motion for attorneys' fees.

DATED: March 31, 2025

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